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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/659,008 | 09/10/2003 | Norman Cardoso | C0012.10.1 | 3501 |

7590

03/07/2006

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| EXAMINER |
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LOPEZ, AMADEUS SEBASTIAN

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| ART UNIT | PAPER NUMBER |
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3743

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,008

Applicant(s)

CARDOSO, NORMAN

Examiner

Amadeus S. Lopez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-55 is/are pending in the application.
- 4a) Of the above claim(s) 30-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-29 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/10/03 & 12/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 30-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 22, 2005.

Information Disclosure Statement

1. All references disclosed in the Information Disclosure Statements filed on 09/10/2003 and 12/22/2003 have been considered.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the reasons stated in the Draftsperson's Review submitted. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

3. Claim 12 is objected to because of the following informalities: the word "a" before the word "multiple" should be deleted. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 2, 3, 5-7, 9, 10-11, 15-16, 18-19, 21-28 are rejected under the judicially created doctrine of obvious-type double patenting as being**

unpatentable over claims 1-5, 7, 14, 16-23, 31, and 34-36 respectively of U.S.

Patent No. 6669712.

5. With respect to claim 2 of the instant application, the limitations can be found in claims 1, 3, 4, 5, 7, 16 and 19 of patent '712.

6. With respect to claim 3 of the instant application, the limitations can be found in claim 14 of patent '712.

7. With respect to claim 5 of the instant application, the limitations can be found in claim 1 and 2 of patent '712.

8. With respect to claim 6 of the instant application, the limitations can be found in claim 2 of patent '712.

9. With respect to claim 7 of the instant application, the limitations can be found in claim 14 of patent '712.

10. With regards to claim 9 of the instant application, the limitations can be found in claim 3 of patent '712.

11. With respect to claim 10 of the instant application, the limitations can be found in claim 3 of patent '712.

12. With respect to claim 11 of the instant application, the limitations can be found in claim 14 of patent '712.

13. With respect to claim 15 of the instant application, the limitations can be found in claim 12 and 13 of patent '712.

14. With respect to claim 16 of the instant application, the limitations can be found in claim 14 of patent '712.

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15. With respect to claim 18 of the instant application, the limitations can be found in claims 20, 21, 22, 23, 31, 34, 35, and 36 of patent '712.

16. With respect to claim 19 of the instant application, the limitations can be found in claim 36 of patent '712.

17. With respect to claim 21 of the instant application, the limitations can be found in claim 2 of patent '712.

18. With respect to claim 22 of the instant application, the limitations can be found in claim 16 of patent '712.

19. With respect to claim 23 of the instant application, the limitations can be found in claim 17 of patent '712.

20. With respect to claim 24 of the instant application, the limitations can be found in claim 17 and 18 of patent '712.

21. With respect to claim 25 of the instant application, the limitations can be found in claim 17 and 18 of patent '712.

22. With respect to claim 26 of the instant application, the limitations can be found in claim 16 of patent '712.

23. With respect to claim 27 of the instant application, the limitations can be found in claim 19 of patent '712.

24. With respect to claim 28 of the instant application, the limitations can be found in claim 14 of patent '712.

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25. Claims 4, 8, 12-14, 17, and 29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 5, 7, 12, 13, 16, 19, 20, 21, 22, 23, 31, 34, 35, and 36 of U.S. Patent No. 6669712 in view of U.S. Patent No. 5477852 to Landis et al.

26. With regards to claims 4, 8, 12, 17, and 29 what is disclosed by Patent No. '712 within claims 1, 3, 4, 5, 7, 16 and 19 is a tube formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply and a distal end connected to a nosepiece having one or more intra-nasal oxygen delivery output ports. What is not disclosed by reference is that the L-shaped strut and said nosepiece are multiple components. From Figures 1 and 2 it is shown by Landis et al. that the nosepiece designated as 22 is a separate piece that connects to tubes 16 and 18 (Col. 7, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of '719 to Cardoso to have the L-shaped strut and nosepiece manufactured as separate components as taught by Landis et al. to make it easier for the user to clean out the nosepiece after it is used. Also it allows for the user to replace the nosepiece if it has been damaged.

27. With regards to claims 13 and 14, what is taught and shown by patent '712 within claims 1, 3, 4, 5, 7, 16 and 19, are all the limitations as outlined in claims 2 of the instant application. What is not taught by the claims of patent '712 is the nasal oxygen

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supply cannula and support apparatus comprising a headband for securing the proximal end of the L-shaped strut against the wearer's forehead in such a way that an inward traction force is applied to secure said one or more intra-nasal oxygen delivery output ports. What is shown and taught by Landis et al. in figures 1 and 2 is a headband (24) that secures the nasal apparatus at the proximal end of the apparatus to the forehead using an inward traction force to secure the intra-nasal ports (250). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of '719 to Cardoso to utilize a headband as taught by Landis et al. to secure the apparatus against the forehead because it is an effective lightweight securing means that is comfortable for the user.

28. Claim 20 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 5, 7, 16,19, 20, 21, 22, 23, 31, 34, 35, and 36 of U.S. Patent No. 6669712 in view of U.S. Patent No. 3338538 to Roche.

29. With regards to claim 20, what is taught and shown by patent '712 within claims 1, 3, 4, 5, 7, 16,19, 20, 21, 22, 23, 31, 34, 35, and 36 are all the limitations as outlined in claims 2 and 18 of the instant application. What is not taught by the claims of patent '712 is the nasal oxygen cannula and support apparatus wherein said biasing means comprises a counterweight coupled to said oxygen tube. What is taught by Roche is a drainage tube holder for a hospital bed, wherein the drainage tube is used to carry of body fluids to a suitable receptacle means usually located under the bed. In claim 1, Roche claims and teaches "an elongated tube (similar to an oxygen tube), and means

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defining an opening at the upper end of said body member for receiving said tube, said diameter of said tube having a diameter only slightly greater than the diameter of said tube to receive the latter in an engaging friction fit such that it is anchored against movement in the holder by the hanging weight thereof alongside the bed, but is capable of forced movement therein." This teaching is relevant and analogous to claim 20 of the instant application since the drainage tube cannula which is attached to the user is passed through ring (48; Fig. 5) and has a hanging weight attached that restricts movement of the drainage tube, but allows and accommodates for forced movements by the user. This hanging weight keeps the drainage tube cannula in position on the user and accommodates for the movements by the user by applying a biasing means for applying tension on the drain tube cannula. This is analogous since the oxygen tube of the instant application passes through a ring and has a counterweight attached at the end of it to keep the mask in position on the face of the user accommodating for head movements by the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Cardoso by applying a counterweight coupled to a delivery tube of a cannula as taught by Roche to apply a biasing means to keep the medical device in the position desired while accommodating for movements by the patient so that the device is not removed accidentally.

Claim Rejections - 35 USC § 102

30. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

31. Claims 2, 3, 9, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Patent Application Publication No. US 2003/0172936 to Wilkie et al.

32. With regards to claim 2, what is taught and shown by Wilkie et al. in Fig. 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece (18) having one or more intra-nasal oxygen delivery output ports (26).

33. With regards to claim 3, what Wilkie et al. show in Fig. 6 is a nasal oxygen supply cannula and support apparatus wherein the L-shaped strut (31) and nosepiece (18) are a single component.

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34. With regards to claim 9, what Wilkie et al. show in Fig. 3 is a nasal oxygen supply cannula and support apparatus wherein said nosepiece (18) comprises a hollow body in fluid communication with said L-shaped strut (31).

35. With regards to claim 10, what Wilkie et al. show in Fig. 3 and 6 is a nasal oxygen supply cannula and support apparatus wherein said nosepiece (18) further comprises a septum bearing surface from which one or more intra-nasal oxygen delivery output ports (26) extend in alignment with one or more of the wearer's nares.

36. With regards to claim 11, what Wilkie et al. show in Fig. 3 and 6 is a nasal oxygen supply cannula and support apparatus wherein the L-shaped strut (31) and nosepiece (18) are a single component.

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

38. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication No. US 2003/0172936 to Wilkie et al. in view of U.S. Patent No. 5447852 to Landis et al.

39. With regards to claim 4, what Wilkie et al. show in fig. 3 and 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece (18) having one or more intra-nasal oxygen delivery output ports (26). What Wilkie et al. do not teach is that the L-shaped strut and said nosepiece are multiple components. From Figures 1 and 2 it is shown by Landis et al. that the nosepiece designated as 22 is a separate piece that connects to tubes 16 and 18 (Col. 7, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to have the L-shaped strut and nosepiece manufactured as separate components as taught by Landis et al. to make it easier for the user to clean out the nosepiece after it is used. Also it allows for the user to replace the nosepiece if it has been damaged.

40. **With regards to claim 12**, what is taught and shown by Wilkie et al. in Fig. 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece (18) comprising a hollow body septum bearing surface having one or more intra-nasal oxygen delivery output ports (26) in alignment with the nares of the user. What Wilkie et al. do not teach is that the L-shaped strut and nosepiece are multiple components. From Figures 1 and 2 it is shown by Landis et al. that the nosepiece designated as 22 is a separate piece that connects to tubes 16 and 18 (Col. 7, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to have the L-shaped strut and nosepiece manufactured as separate components as taught by Landis et al. to make it easier for the user to clean out the nosepiece after it is used. Also it allows for the user to replace the nosepiece if it has been damaged.

41. **Claims 5, 6, 7, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication No. US 2003/0172936 to Wilkie et al. in view of U.S. Patent No. 5685292 to Fenn.**

42. **With regards to claim 5 and 21** what is taught and shown by Wilkie et al. in Fig. 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an

oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece (18) having one or more intra-nasal oxygen delivery output ports (26). What is not taught is that the long leg member is shaped to rest in substantially flush contact with the ridge pole of the wearer's nose. What is taught by Fenn is a nasal tip-lift adhesive band for improved breathing. It is taught and shown by Fenn in Fig. 2 that the "the triangular end is applied at the nasal tip. While pulling upward, the middle narrow portion is applied to the nasal bridge, and the rectangular portion is applied to the forehead. The result is that the nasal tip is lifted upward improving breathing through the nose (Col. 1, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to rest substantially flush against the ridge pole of the nose in such a way as to pull the nasal tip upward in order to increase the area of the nasal passage through the nasal passage and improve breathing through the nose as taught by Fenn.

43. **With regards to claim 6**, what is taught and shown by Wilkie et al. in Fig. 6 is a nasal oxygen cannula and support apparatus wherein the L-shaped strut (31) further includes a short leg member (at the bottom portion of 31) proximally coupled in a contiguously bending manner to said long leg member (top portion of 31) such that the short leg member is shaped to extend over the tip of wearer's nose, in which the short leg is distally coupled to the nosepiece (18).

44. **With regards to claim 7**, what is taught and shown by Wilkie et al. in Fig. 6 is a nasal oxygen cannula and support apparatus wherein the long leg member (top portion

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of 31), short leg member (bottom portion of 31), and the nosepiece (18) are a single component.

45. Claims 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication No. US 2003/0172936 to Wilkie et al. in view of U.S. Patent No. 5447852 to Landis et al.

46. With regards to claim 8, what is shown by Wilkie et al. in Fig. 6 is a nasal oxygen cannula and support apparatus wherein the L-shaped strut (31) further includes a short leg member (at the bottom portion of 31) proximally coupled in a contiguously bending manner to said long leg member (top portion of 31) such that the short leg member is shaped to extend over the tip of wearer's nose, in which the short leg is distally coupled to the nosepiece (18). What is not taught is that the long leg member, short leg member, and the nosepiece are multiple components. From Figures 1 and 2 it is shown by Landis et al. that the nosepiece designated as 22 is a separate piece that connects to tubes 16 and 18 (Col. 7, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to have the L-shaped strut and nosepiece manufactured as separate components as taught by Landis et al. to make it easier for the user to clean out the nosepiece after it is used. Also it allows for the user to replace the nosepiece if it has been damaged.

47. With regards to claims 13 and 14, what is taught and shown by Wilkie et al. in Fig. 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece (18) having one or more intra-nasal oxygen delivery output ports (26). What is not taught or shown is a headband for securing the proximal end of the L-shaped strut against the wearer's forehead. What is shown and taught by Landis et al. in figures 1 and 2 is a headband (24) that secures the nasal apparatus at the proximal end of the apparatus to the forehead using an inward traction force to secure the intra-nasal ports (250). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to utilize a headband as taught by Landis et al. to secure the apparatus against the forehead because it is an effective lightweight securing means that is comfortable for the user.

48. Claims 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication No. US 2003/0172936 to Wilkie et al. in view of U.S. Patent No. 3338538 to Roche.

49. With regards to claim 18-20 what is taught and shown by Wilkie et al. in Fig. 6 is a tube (31) formed as a generally L-shaped strut for conforming to the contour of the nose of a wearer, said L-shaped strut having a proximal end connected to an oxygen supply (page 4, paragraph 69, last 2 lines), and a distal end connected to a nosepiece

(18) having one or more intra-nasal oxygen delivery output ports (26). What is not disclosed by Wilkie et al. is a tube support means disposed behind the wearer's head, wherein the tube support provides a balance point for the oxygen supply tube and a biasing means for applying backward tension on the oxygen supply tube. What Roche teaches and shows in Fig. 5 is a drainage tube cannula holder for hospital beds. It provides a tube support means comprising a ring (fig. 5, 48) through which the drainage tube passes on one end and attached to the patient at the opposite end. It is inherent that the drainage tube support means may be placed behind the user, and will therefore provide a balance point for the tubes in that direction. Also it contains a biasing means comprising a counterweight coupled to the drainage tube for applying tension on the drainage tubes (see claim 1 of Roche). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus of Wilkie et al. to include a tube support means with a biasing means as taught by Roche, to allow for the cannula device to remain fixed in the desired position on the user even when the user is moving around so that the apparatus is not accidentally disengaged from the user.

50. Claims 23 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Application Publication No. US 2003/0172936 to Wilkie et al. in view of U.S. Patent No. 5685292 to Fenn in further view of U.S. Patent No. 5513635 to Bedi.

51. **With regards to claim 23**, what Bedi shows and teaches in Fig. 3 is a means for securing a nasal cannula apparatus to the wearer's nose (Col. 2, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nasal cannula apparatus as taught by Wilkie et al. to secure the apparatus to the wearer's nose as taught by Bedi to add much needed stability and prevent the device from falling off the user.

52. **With regards to claim 24**, what Bedi shows and teaches in Fig. 1 and 2 is a nasal oxygen supply cannula and support apparatus wherein the means of securing the apparatus to the wearer's nose is adhesive tape (Col. 2, lines 30-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to secure the nasal cannula apparatus as taught by Wilkie et al. to the nose of the user using adhesive tape as taught by Bedi because it is known that adhesive tape is a cheap and effective means for securing objects to another surface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amadeus S. Lopez whose telephone number is (571) 272-7937. The examiner can normally be reached on Mon-Fri 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amadeus Lopez 2/27/06
Amadeus S Lopez
Examiner
Art Unit 3743
February 22, 2006

ASL

Henry Bennett
Henry Bennett
Supervisor, Patent Examiner
Group 3700